



Exhibit 4 Declaration of Attorney



PATENT APPLICATION
ATTORNEY DOCKET NO. 200206465-1

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

<p>ART UNIT: 2826</p> <p>EXAMINER: Tan N. Tran</p> <p>APPLICANT: Ashton et al.</p> <p>SERIAL NO.: 10/673,003</p> <p>FILED: September 26, 2003</p> <p>CONFRM. NO.: 9774</p> <p>FOR: ULTRA-HIGH DENSITY STORAGE DEVICE USING PHASE CHANGE DIODE MEMORY CELLS AND METHODS OF FABRICATION THEREOF</p> <p>DOCKET NO. 200206465-1</p>	<p>RESPONSE/AMENDMENT</p> <p>CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8</p> <p>DATE OF DEPOSIT: <u>Aug 15, 05</u></p> <p>I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.</p> <p><u>Vaughn W. North</u> Vaughn W. North</p>
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DECLARATION OF VAUGHN NORTH
UNDER 37 C.F.R. § 1.131

Assistant Commissioner of Patent and Trademarks
Washington, D.C. 20231

I, Vaughn North, declare as follows:

1. I am a registered patent attorney with the law firm of Thorpe North and Western.
2. Hewlett Packard contracted with the law firm of Thorpe North and Western for the preparation and filing of the above-captioned patent application prior to May 1, 2003, the effective date of the Chaiken '499 Published Patent Application.

3. Exhibit 3, attached hereto, is a redacted copy of a Request for Quote document signed by myself and Hewlett Packard prior to May 1, 2003.

4. I worked diligently with other attorneys at Thorpe North and Western, attorneys at Hewlett Packard, and the named co-inventors to prepare and file the above-captioned patent application from a date prior to May 1, 2003 until the filing date of September 26, 2003.

5. Preparation of the above-captioned patent application coincided with work performed on a reasonable backlog of unrelated cases which were taken up in chronological order, with the work carried out expeditiously.

6. Attorney-client communications between Thorpe North and Western and attorneys and the co-inventors at Hewlett Packard occurred between May 1, 2003 and September 26, 2003. Each communication was accompanied by attorney preparations before and/or after these dates. This disclosure is made without waving attorney-client privilege. Communications occurred on, but were not limited to, the following dates:

- A series of communications prior to the date of May 1, 2003 between the inventor Gary Ashton and Ron Thurman of Thorpe North and Western, who was working for Vaughn North, relating to the preparation of the patent application.
- A communication between Vaughn North and Philip Lyren of Hewlett Packard on June 2, 2003 concerning changes made in the specification of the application.

- A fax from Philip Lyren to Vaughn North on July 19th, 2003 pursuant to revisions of the application.
- A communication between Vaughn North and Philip Lyren on July 26th, 2003 pursuant to the review changes made in the application.

7. The patent application for the invention in the above-captioned patent application was filed with the United States Patent and Trademark Office on September 26, 2003.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statement may jeopardize the validity of the application or any patent issuing thereon.

DATED this 15 day of August, 2005.



Vaughn W. North